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ATTORNEYS AT LAW

UNITED STATES OF AMERICA

July 7, 2023

VIA EMAIL ONLY

Scott Tindle
scott@tindlefirm.com

Re: D. Deaton, et al., v. Paige Yarbrough, et al.
2:23-cv-00713-RDP
Demand for Strike and Dismissal on behalf of Paige Yarbrough

Dear Scott:

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, on behalf of defendant Paige Yarbrough, we ask that you withdraw specific portions of the complaint and dismiss certain claims made against Ms. Yarbrough. After inquiry reasonable under the circumstances, you knew, or should have known that specific allegations in the complaint were and are false and were presented to harass and embarrass Ms. Yarbrough, as well as needlessly increase the cost of litigation. Specific causes of action in which she is named have no basis in law and including them as to her violates Rule 11, as well. As discussed further below, please strike the specific paragraphs and dismiss the particular claims against Ms. Yarbrough on or before July 28, 2023.

As you are no doubt aware, Rule 11(b) states:

By presenting to the court a pleading ... , an attorney ... certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: ...it is not being presented for any improper purposes, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; ... the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery[.]

Fed. R. 11(b)(1), (3).

As you are aware, the causes of action you make against Ms. Yarbrough are below.

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Count I	Deprivation of Rights Under Color of Law (42 U.S.C. § 1983, Title 18, U.S.C. Section 242)
Count II	Violation of RICO – “U.S.C. § 1962(c)”
Count III	Violation of RICO Conspiracy “U.S.C. § 1962(d)”
Count IV	Civil Conspiracy
Count V	Abuse of Process
Count VI	Fraud
Count X	False Imprisonment
Count XIV	Invasion of Privacy
Count XVIII	Alabama Litigation Accountability Act
Count XXIX	Legal Malpractice

In spite of your inclusion of Ms. Yarbrough in those causes of action, no basis for those claims exists in the Complaint itself. Apparently, the only reason for including Ms. Yarbrough in these claims is to harass and embarrass Ms. Yarbrough. Accordingly, including them in the complaint is a violation of Rule 11.

In addition, you have no good faith argument that certain of the claims against Ms. Yarbrough are “warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.” Fed. R. Civ. P. 11(b)(2). Specifically, Ms. Yarbrough cannot be liable for the deprivation of rights under color of law because she is not a government actor. Therefore, including her in that cause of action is frivolous and a violation of Rule 11. Second, by your own allegations, the alleged malpractice you claim was committed by Ms. Lee, Ms. Crittenden, Ms. Gregory, and Ms. Yarbrough, with no support for any allegation that Ms. Yarbrough was in any way involved in the alleged malpractice, took place almost four years before the filing of the complaint – well beyond the applicable statute of limitations. Accordingly, please dismiss Ms. Yarbrough from those two counts, as well.

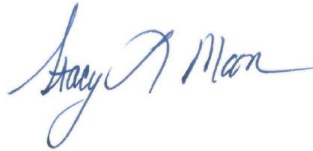
Please be aware that all of the allegations against Ms. Yarbrough, and indeed, all of the defendants related to Crittenden Partners, P.C., are frivolous, and we intend to dispute and defend against all of them. Nevertheless, the inclusion of Ms. Yarbrough in Counts I (Deprivation of rights), Count X (False Imprisonment), and XXIX (legal malpractice) are the most egregious.

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Please strike those paragraphs and dismiss Ms. Yarbrough from those count within 21 days, or we will be forced to file a motion to strike and for sanctions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stacy L. Moon". The signature is fluid and cursive, with the first name "Stacy" and last name "Moon" clearly distinguishable.

Stacy L. Moon